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10/824,124	04/13/2004	John F. Shanley	CMI5001USCNT7	6433
43027	7590	04/29/2010		
Philip S. Johnson, Esq. JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA WH3221 NEW BRUNSWICK, NJ 08933-7003			EXAMINER BUI, VY Q	
			ART UNIT 3773	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

- a. line 3, it appears that a semicolon (;) is missing between -- a second diameter -- and -- wherein -- in the recitation "a second diameter wherein". Clarification is required.
- b. line 4, "when the second diameter" appears not grammatically proper. Correction is required.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 6-9, 11-12, 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ehr et al-6,033,433.

As to claims 1-3, 11-12, 14-17, Ehr-'433 (please refer to a portion of Fig. 30 reproduced below) discloses a stent having S-shape bridging elements crossing three times at locations B, C, D the midlines AE of V-shapes as recited in the claims. Notice that a line can be a curved line or a straight line (please see definition 2 of term "line", for example, from one page of [www.dictionary.com](http://www.dictionary.com) attached), line ABCDE as shown in Fig. 30 below is actually on a

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cylindrical surface of a stent and indeed parallel to the longitudinal axis of the stent therefore meet the limitation as recited in claim 18.

Further as to claim 7, the curved section or alternate ends where two adjacent struts in a same cylindrical tube are reasonably considered as hinges and circumferential links because the Ehr-'433's stent expand occurs mainly at these curved sections/ alternate ends.

Further as to claim 9, end A is substantially at 180 degrees out of phase from end E.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 18 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischell et al.-5,697,971 in view of Jang-6,235,053.

As to claims 1, 4, Fischell-'971 (Figs. 2-3) discloses a stent 10 having cylindrical tubes having adjacent struts and S-shaped bridging elements substantially as recited in the claims, except for the connecting points of the S-shaped bridging elements located diagonally and bridging element less wider than strut as recited in the claims. However, Jang-'053 (Fig. 1-3, for example) discloses connecting points of the S-shaped bridging elements located diagonally (off-center connection) and S-shaped bridging elements less wider than adjacent struts. It would have been obvious to one of ordinary skill in the art at the time of the invention to move the connecting points to the locations as shown in modified Fischell-'971 stent in view of Jang-'053 (please, see Fig. 2 on next page) for this modified configuration provide Fischell-'971's S-shaped bridging elements longer, more flexible and having more stored length for expansion.

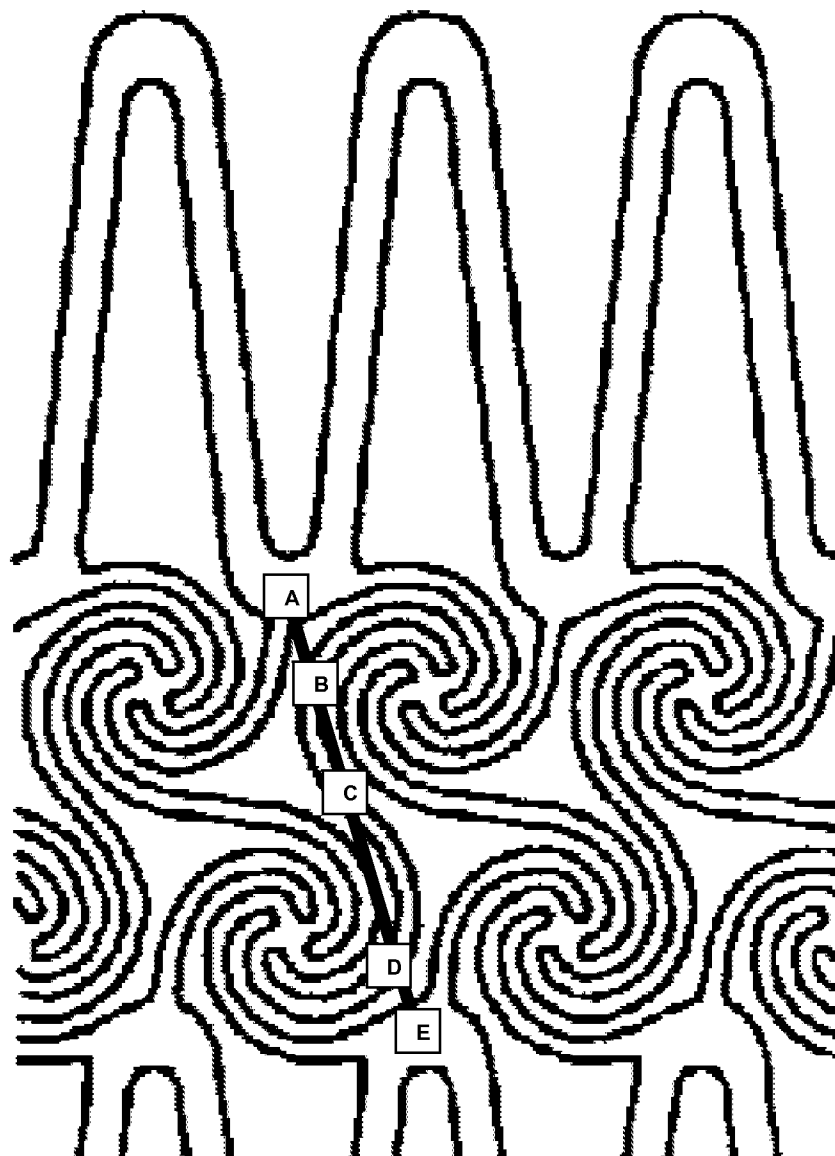


Fig. 30

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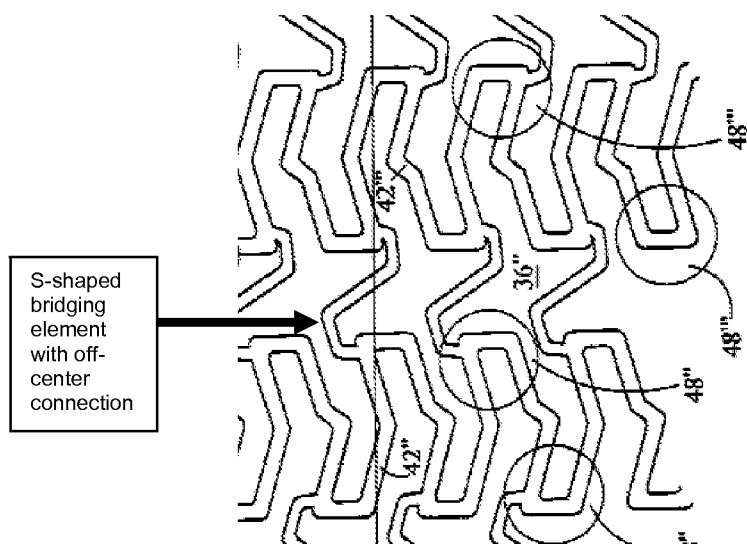


FIGURE 3

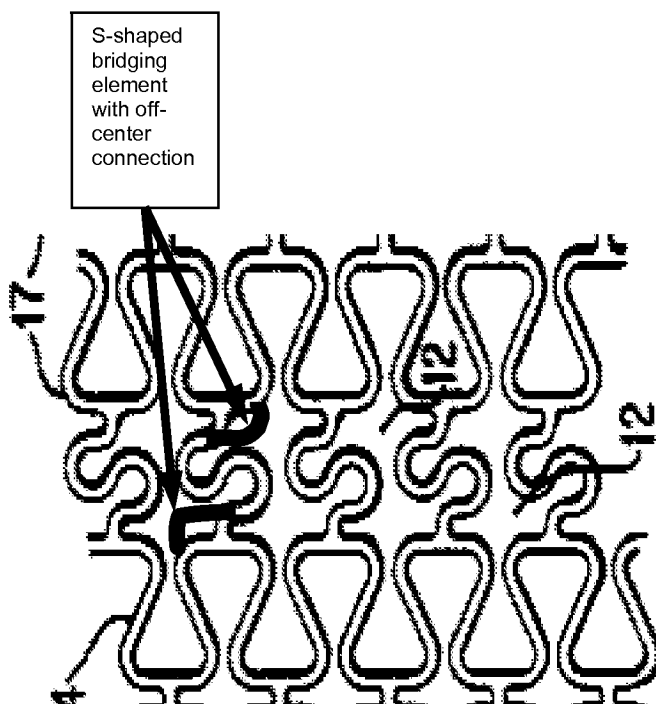


FIG. 2

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "sinusoidal bridging elements" does not have support in the specification.

***Response to Arguments***

Applicant's arguments filed 12/03/2009 have been fully considered but they are not persuasive.

The arguments suggested that the Ehr-'433 does not meet the limitation "sinusoidal bridging elements" as now recited in the independent claim 18.

However, this limitation is not support in the specification of this present application.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is 571-272-4692. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on 571-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Vy Q. Bui/  
Primary Examiner, Art Unit 3773